Gabriel D. Jack Muston & Jack, PC 1671 The Alameda, Suite 210

San Jose, CA 95126 Tel: 408-293-2026 Fax: 650-745-0663

Email: gjack@mj-law.com State Bar Number: 212741

Page 1

RICHARD WHEKING

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#### UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA SAN JOSE COURTHOUSE



Amir Masoud Zarkesh A072-310-741	)
Plaintiff,	)
v.	3 CO7 O2
ALBERTO GONZALES, Attorney General of the United States; MICHAEL CHERTOFF, Secretary, Department of Homeland Security; David N. Still, Director, San Francisco Office, U.S. Citizenship and Immigration Services; EMILIO GONZALEZ, Director, U.S. Citizenship and Immigration Services	) Civil Action No
U.S. Citizenship and Immigration Services; Robert S. Mueller, III, Director, Federal	<i>)</i> )
Bureau of Investigation	)
Defendants.	)

#### PETITION FOR WRIT OF MANDAMUS

#### To the Honorable Judges of Said Court:

Plaintiff, through undersigned counsel, alleges as follows:

#### INTRODUCTION

- 1. This is a civil action brought pursuant to INA §336(b), 8 U.S.C. § 1447(b), 28 U.S.C. §1331 and 1361, 5 U.S.C. § 701 and 28 U.S.C. §2201 et. seq. to redress the deprivation of rights, privileges and immunities secured to Plaintiff and to compel Defendants to perform a duty Defendants owe to Plaintiff. Jurisdiction is also conferred by 5 U.S.C. §704.
- 2. This action is brought to petition the court to take action on a Form N-400, Application for Naturalization, (hereafter "the Application") in order for Plaintiff to become a Naturalized Citizen of the United States. The Application was filed with the USCIS'S California Service Center on or about December 05, 2002 by Mr.

Amir Mosoud Zarkesh (See Ex. A, Form I-797C, notice of receipt issued by USCIS confirming receipt of N-400 petition by the Plaintiff). He was interviewed by the Immigration Service on or December 16<sup>th</sup>, 2003 and successfully passed the English language and history and government tests. (See Ex. B, Form N-652, Naturalization Interview, for proof of successful passage of both tests). To this day, nearly three and one half years after the interview, Mr. Zarkesh still awaits the decision. Certainly more than 120 days have passed since the interview in this matter, thus vesting jurisdiction with this court upon plaintiff's request under 8 U.S.C. § 1447 (b).

- 3. Plaintiff is eligible to have his Application adjudicated.
- 4. Defendants, the Department of Homeland Security and U.S. Citizenship and Immigration Services (USCIS), are charged by law with the statutory obligation to adjudicate this Application.
- 5. Venue is proper under 28 USC §1391(e) because the Plaintiff resides in this district and no real property is involved in this action.

#### **FACTS**

- 6. Alien is a native and citizen of Iran. Alien received his Permanent Resident status as an outstanding researcher in the Employment based 1<sup>st</sup> Preference Category. (See Ex. C, copy of Alien's Resident Alien Card)
- 7. Alien's Permanent Resident Status was granted on October 29, 1997 (See Ex. C), and he became statutorily eligible to file a Form N-400, Application for Naturalization, on July 29, 2002, four years and nine months after the grant of Permanent Resident Status.
- 8. Alien filed her Form N-400, Application for Naturalization, with the U.S. Citizenship and Immigration Service on or about December 5, 2002. (See Ex. A)
- 9. Alien was interviewed by an Immigration Officer on December 16<sup>th</sup>, 2003 and successfully passed the English language and history and government tests. (See Ex. B, Form N-652, Naturalization Interview, for proof of successful passage of both tests). To this day, over three years and five months after the interview, Alien still awaits the decision.
- 10. USCIS San Jose office of the Citizenship & Immigration Services is currently processing (as of April 18, 2007) Forms N-400 filed on July 31, 2006. Alien's application was filed in April 2003 and, therefore, its processing is significantly overdue. (See Ex. D, San Jose Office processing time report).
- 11. Alien's counsel inquired about his Application by submitting several status inquiries. On May 27, 2004, Alien's counsel sent in a letter to the San Jose Office, requesting a status update. On June 15, 2004 alien's counsel sent an email inquiry as to the status of the citizenship application. On June 16, 2004 alien and alien's counsel were notified that the case was pending for background checks. On August 31, 2004 alien's counsel again sent an email inquiry regarding the status of the pending FBI background check. On September 8, 2004, USCIS confirmed that the case was still pending a background check with the FBI. On January 03, 2005, alien's counsel again inquired by fax as to the status of the case. On January 19<sup>th</sup> 2005 the alien appeared at the USCIS San Jose office and personally inquired as to the status of his application. At this time he was informed that the FBI check was still pending. (See Ex. E, copies of letters and email correspondence sent to USCIS).

#### **CLAIMS**

- 12. Defendants have willfully and unreasonably delayed in and have refused to adjudicate the Application, thereby depriving the Plaintiff of the benefit of becoming a Naturalized U.S. Citizen.
- 13. Defendants owe Plaintiff a duty to adjudicate the Petition and have unreasonably failed to perform that duty.

- 14. Plaintiff has exhausted any administrative remedies that may exist. WHEREFORE, Plaintiff prays that the Court:
- 1. Assume jurisdiction over the case and naturalize the Plaintiff under the terms of 8 USC 1447(b); or
- 2. Remand to Defendants and those acting under them for immediate adjudication; and
- 3. Grant such other and further relief as this Court deems proper under the circumstances; and
- 4. Grant Attorney's fees and costs of Court to Plaintiff under the Equal Access to Justice Act.

Respectfully submitted this 8th day of May, 2007.

Gabriel D. Jack, Attorney for Plaintiff

May 8, 2007

### Exhibit A N-400 Receipt Notice

Receipt with Exception NOTICE DATE December 18, 2002 CASE TYPE UNS A# N400 Application For Naturalization A 072 310 741 APPLICATION NUMBER RECEIVED DATE PRIORITY DATE WSC\*000907092 PAGE December 05, 2002 December 05, 2002 1 of 1 APPLICANT NAME AND MAILING ADDRESS

AMIR MASOUD ZÁRKESH 14575 HORSESHOE DR SARATOGA CA 95070

PAYMENT INFORMATION:

Single Application Fee: \$310.00 Total Amount Received: \$310.00 Total Balance Due: \$0.00

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The above application has been received by our office and is in process, but has been noted with one or more of the following exception(s):

Missing Evidence(s) - your application was missing evidence(s) that you will need to provide at the time of your naturalization interview. You will be notified under separate notice of the necessary evidence(s) that you will be required to bring to your interview. Do not suomit any evidence(s) by mail.

Our records indicate your personal information is as follows:

Date of Birth:

March 17, 1966

Address Where You Live: 14575 HORSESHOE DR SARATOGA CA 95070

Please verify your personal information listed above and immediately notify our office at the address or phone unaber listed below if there are any changes.

You will be notified of the date and place of your interview when you have been scheduled by the local INS office. You should expect to be notified within 365 days of this notice.

IMPORTANT NOTICE:

All naturalization applicants who were between the ages of 14-75 at the time of filing must have their fingerprints taken at an INS Application Support Center (ASC) so they can be submitted to the Federal Bureau of Investigation for a criminal history check. If we received your application without a fingerprint card (FD-258), or your fingerprint card was received on or after December 3, 1997, you will need to go to an ASC to be fingerprinted. Do not have your fingerprints taken anywhere else. You will receive a notice that will provide you with information about when and where to go to have you fingerprints taken, and what you will need to bring with you. Please inform the office listed below immediately of any address changes.

If you have any questions or comments regarding this notice or the status of your case, please contact our office at the below address or customer service number. You will be notified separately about any other cases you may have filed.

If you have other questions about possible immigration benefits and services, filing information, or INS forms, please call the INS National Customer Service Center (NCSC) at 1-800-375-5283. If you are hearing impaired, please call the NCSC TDD at 1-800-767-1833.

If you have access to the Internet, you can also visit INS at www.ins.usdoj.gov. Here you can find valuable information about forms and filing instructions, and about general immigration services and benefits. At present, this site does not provide case status information.

INS Office Address:

US IMMIGRATION AND NATURALIZATION SERVICE CALIFORNIA SERVICE CENTER P.O BOX 10400 LAGUNA NIGUEL CA 92607INS Customer Service Number: (949) 831-8427

APPLICANT COPY

WSCG000040411 WSC\$001004119

Form 1 797 (Rev. 09/07/93) N

# Exhibit B Form N-652, Naturalization Interview, Proof of successful passage N-400 Interview

#### **Interview Results**

Immigration and Naturalization Service

_	December 16, 2003, you were interviewed by INS Officer PERRY  A#: 7231074
,,	You passed the tests of English and U.S. history and government. You passed the test of U.S. history and government and the English language requirement was waived. The Service has accepted your request for a Disability Exception. You are exempted from the requirement to demonstrate English language ability and/or a knowledge of U.S. history and government.
	You will be given another opportunity to be tested on your ability tospeak /read // write English.  You will be given another opportunity to be tested on your knowledge of U.S. history and government.
τ	Please follow the instructions on the Form N-14.  INS will send you a written decision about your application.
τ	You did not pass the second and final test of your English ability / knowledge of U.S. history and government. You will not be rescheduled for another interview for this N-400. INS will send you a written decision about your application.
	Congratulations! Your application has been recommended for approval. At this ne, it appears that you have established your eligibility for naturalization. If final approval is granted, u will be notified when and where to report for the Oath Ceremony.
3)	A decision cannot yet be made about your application.
	It is very important that you: Notify INS if you change your address. Come to any scheduled interview. Submit all requested documents. Send any questions about this application in writing to the officer named above. Include your full name, A-number, and a copy of this paper. Go to any oath ceremony that you are scheduled to attend. Notify INS as soon as possible in writing if you cannot come to any scheduled interview or oath ceremony. Include a copy of this paper and a copy of the scheduling notice.

N-652 (Rev.12/7/99)Y

### Exhibit C Alien's Resident Alien Card

#### PERMANENT RESIDENT CARD

NAME ZARKESH, AMIR M



INS A# 072-310-741
Birthdate Category Ser
03/17/66 E17 M
Country of Birth
Iran

CARE EXPIRES 10/29/07 Resident Stace 10/29/97



# Exhibit D San Jose Office Processing time report

Print This Page Back

#### U.S. Citizenship and Immigration Services San Jose CA Processing Dates

Posted April 18, 2007

Notice: U.S. Citizenship and Immigration Services (USCIS) has improved the reporting procedure for processing times of immigration benefit applications. In the past, USCIS benefit processing reports indicated the specific type of applications or petitions that were being processed and the date the cases were received. However, the date the case was received did not provide a clear indication of when USCIS expected to complete the case, nor did it provide a clear indication of USCIS' commitment to process cases within a certain cycle time. It also did not align with the processing times and cycle times the agency reports in other contexts.

This improved reporting procedure is an effort to give our customers more accurate information that better reflects current processing time and USCIS service level commitments. Effective immediately, when we are completing applications and petitions within our service level goals we will report that as the processing time. For example, when our service level goal is to process a particular kind of case within six months, and if our processing time is six months or less, we will show a date consistent with our service level goal because that reflects our commitment.

When we are not meeting our service level goal, the date posted will reflect the filing date of cases that are being completed. It should be noted that while in some instances reported processing dates may appear to have regressed due to this change, they do not reflect a lengthening of USCIS processing times, but simply the change in reporting. Our goal is to provide accurate projections and thus give customers clear expectations as to what they can expect as a processing time.

#### There are several important exceptions to the processing times shown below:

- Case processing will be delayed if we must ask you for more evidence or information. If we ask for missing required initial evidence, count the processing time from when we receive that missing
- The case processing timeframe will start over if a customer doesn't appear for an interview or asks that it be rescheduled.

#### What if I have a problem or have questions about a case?

We offer a variety of services after you file. For example, for most kinds of cases you can check the status of your case online.

For more information about when and how to contact us, whether your case is outside our processing time or if there are other issues, please see our fact sheet -

Case Services - How do I... know what kind of services are available to me after I file my application or petition?

One additional point about these projections. They are the time to complete processing and mail the actual

#### 

notice and/or document. If you check case status online and see that your case has been approved, and you haven't yet received your approval notice or document in the mail, we ask that you wait thirty days from the approval date before contacting us. That is because it may take that long before it is returned to us as undeliverable. You can also print the case status online answer for your records.

District Office Processing Dates for San Jose CA Posted April 18, 2007

Form		Now Processing Cases with Receipt Notice Date of:
I-131	Application for Travel Documents	January 13, 2007
I-485	Application to Register Permanent Residence or Adjust Status	October 14, 2006
1-600	Petition to Classify Orphan as an Immediate Relative	January 13, 2007
I-600A	Application for Advance Processing of Orphan Petition	January 13, 2007
1-765	Application for Employment Authorization	January 27, 2007
N-400	Application for Naturalization	July 31, 2006
N-600	Application for Certification of Citizenship	August 04, 2006

Print This Page Back

05-05-2007 01:56 PM EDT

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U.S. Department of Homeland Security

## Exhibit E Copies of letters & email correspondence with USCIS

#### MUSTON & JACK LLP

IMMIGRATION ATTORNEYS AT LAW

May 27, 2004

USCIS 1887 Monterey Road San Jose, CA 95112 Attn: Mr. Perry

RE: N-400

Amir Masoud ZARKESH

072 310 741

Dear Mr. Perry,

Enclosed please find my G-28 on behalf of the above-mentioned individual. He had his interview with you 12/16/2003 and you recommended approval without requesting any more documentation. He recently did a status check and they told him that some document (they didn't know what) had been requested and he didn't send it in, therefore his N-400 case was "inactive." Mr. Zarkesh says that he has never received a request for any particular document, so he is confused about what is going on. He is just now doing his fingerprints again and evidently the FBI name check is still pending.

Please let me know what "document" you need, so we can get this case finished up. Thanks for your help.

Sincerely,

Michael G. Mush

Michael G. Muston

U.S. Department of Justice

Immigration and Naturalization Service

#### Notice of Entry of Appearance as Attorney or Representative

Appearance - An appearance shall be filed on this form by the attorney or representative appearing in each case. Thereafter, substitution may be permitted upon the written withdrawal of the attorney or representative of record or upon notification of the new attorney or representative. When an appearance is made by a person acting in a representative capacity, his personal appearance or signature shall constitute a representation that under the provisions of this chapter he is authorized and qualified to represent. Further proof of authority to act in a representative capacity may be required. Availability of Records - During the time a case is pending, and except as otherwise provided in 8CFR 103.2(b), a party to a proceeding or his attorney or representative shall be permitted to examine the record of proceeding in a Service office. He may, in conformity with 8 CFR 103.10, obtain copies of Service records or information therefrom and copies of documents or transcripts of evidence furnished by him. Upon request, he/she may, in addition, be loaned a copy of the testimony and exhibits contained in the record of proceeding upon giving his/her receipt for such copies and pledging that it will be surrendered upon final disposition of the case or upon demand. If extra copies of exhibits do not exist, they shall not be furnished free on loan; however, they shall be made available for copying or purchase of copies as provided in 8 CFR 103.10. 05/27/2004 In re: Amir Masoud ZARKESH 072 310 741 File No. I hereby enter my appearance as attorney for (or representative of), and at the request of, the following named person(s): Name Petitioner ☐ Beneficiary Amir Masoud ZARKESH Address (Apt. No.) (Number & Street) (State) (ZIP Code) (City) 14575 Horseshoe Drive CA 95070 Saratoga Petitioner Name Applicant Beneficiary Address (Apt. No.) (Number & Street) (State) (ZIP Code) Check applicable Item(s) below: 🔀 1. I am an attorney and a member in good standing of the bar of the Supreme Court of the United States or of the highest court of the following State, territory, insular possession, or District of Columbia Supreme Court and am not under a court or administrative agency order suspending, enjoining, restraining, disbarring, or otherwise restricting me in practicing law. 2. I am an accredited representative of the following named religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board: 3. I am associated with the attorney of record who previously filed a notice of appearance in this case and my appearance is at his request. (If you check this item, also check item 1 or 2 whichever is appropriate.) 4. Others (Explain fully.) SIGNATURE COMPLETE ADDRESS michael & Musto Muston & Jack, LLP 1671 The Alameda, Ste. 210 San Jose CA 95126 NAME (Type or Print) TELEPHONE NUMBER Michael G. Muston (408) 293-2026 FAX(408) 293-7617 PURSUANT TO THE PRIVACY ACT OF 1974, I HEREBY CONSENT TO THE DISCLOSURE TO THE FOLLOWING NAMED ATTORNEY OR REPRESENTATIVE OF ANY RECORD PERTAINING TO ME WHICH APPEARS IN ANY IMMIGRATION AND NATURALIZATION SERVICE SYSTEM OF RECORDS: Michael G. Muston (Name of Attorney or Representative) THE ABOVE DISCLOSURE IS IN CONNECTION WITH THE FOLLOWING MATTER: N-400 Name of Person Consenting Date Amir Masoud ZARKESH 05/27/2004 (NOTE: Execution of this box is required under the Privacy Act of 1974 where the person being represented is a citizen of the United States or an alien lawfully admitted for permanent residence.

YAHOO! Mail 🖾

Welcome, michaelmuston [Sign Out, My Account]



Search Search

Mail Home - Help

Mail

Addresses

Calendar

Notepad

michaelmuston@yahoo.com [Sign Out]

Check Mail

Compose

Search Mail

Mail Upgrades - Mail Options

#### **Message Sent**

#### Sent to:

askcis.sanjose@dhs.gov

V

Add to Address Book

#### Back to Inbox

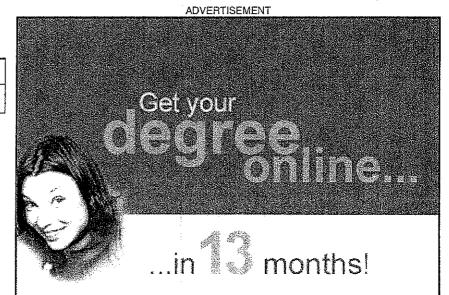
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Tired of intrusive pop-up ads? So are we. That's why Yahoo! Mail doesn't use pop-ups -- so you can do what you need to do without distraction.

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   Count on Yahoo! Messenger it'll tell you when to check your email.
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   A view of your inbox, personalized news, weather, and more!
- Access your email with one click from Yahoo! Companion Toolbar

Get to Yahoo! Mail - or your other favorite Yahoo! services - with one click.



Bachelor's Business Administration in Marketing
Bachelor's Business Administration in Management
Bachelor's Business Administration in Healthcare Management
Bachelor's Business Administration in Human Resources Management
Bachelor's of Information Technology

Bachelor's Visual Communication MBA in Marketing

Bachelor's in Criminal Justice

MBA in Marketing
MBA in Management

MBA in Healthcare Management

MBA in Human Resources

Master's in Information Technology

Master's of Education



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Mail Upgrades - Mail Options

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Dear Mr. Perry,

This is in reference to: Amir Masoud ZARKESH, A072 310 741, 14575 Horseshoe Drive, Saratoga, CA 95070, (408) 867-0866. I sent in a G-28 and letter on 05/28/2004 taking over the case. My client had his interview on 12/16/2003 and you recommended approval without requesting any additional documentation. Mr. Zarkesh did a status check and was told that a document (CIS didn't know what) had been requested, and he did not send it in, therefore his N-400 case was "inactive". Mr. Zarkesh said he never received a request for a document. Please let me know what document is needed to resolve his case. Thank you.

Sincerely,

Michael G. Muston



Print - Close Window

From:

"Sanjose, Askcis " <Askcis.Sanjose@dhs.gov>

To:

""Michael Muston" " <michaelmuston@yahoo.com>

Subject: Re:N-400/Mr. Perry

Date:

Wed, 16 Jun 2004 10:53:00 -0400

Hello,

Case is pending for background checks.

Regards, T. Tsang

\_Reply Separator\_

Subject:

N-400/Mr. Perry

Author: "Michael Muston" <SMTP:michaelmuston@yahoo.com>

Date:

6/15/2004 6:29 PM

Dear Mr. Perry,

This is in reference to: Amir Masoud ZARKESH, A072 310 741, 14575

Horseshoe

Drive, Saratoga, CA 95070, (408) 867-0866. I sent in a G-28 and letter

05/28/2004 taking over the case. My client had his interview on

12/16/2003

and

you recommended approval without requesting any additional

documentation.

Mr.

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know

what)

had been requested, and he did not send it in, therefore his N-400 case

"inactive". Mr. Zarkesh said he never received a request for a document .

Please let me know what document is needed to resolve his case.

you.

Sincerely,

Michael G. Muston

Do you Yahoo!?

Yahoo! Mail

<http://us.rd.yahoo.com/mail/taglines/\*http://promotions.yahoo.com/new\_mail/</pre>

ic/protection.html> - You care about security. So do we.

Yahoo! My Yahoo! Mail



Welcome. michaelmuston [Sign Out, My Account)



Search | the web | Search

Mail Home - Help

Mail

Addresses

Calendar

Notepad

michaelmuston@yahoo.com [Sign Out]

Check Mail

Compose

Search Mail

Mail Upgrades - Mail Options

#### Message Sent

Sent to:

askcis.sanjose@dhs.gov

Add to Address Book

#### Back to Inbox

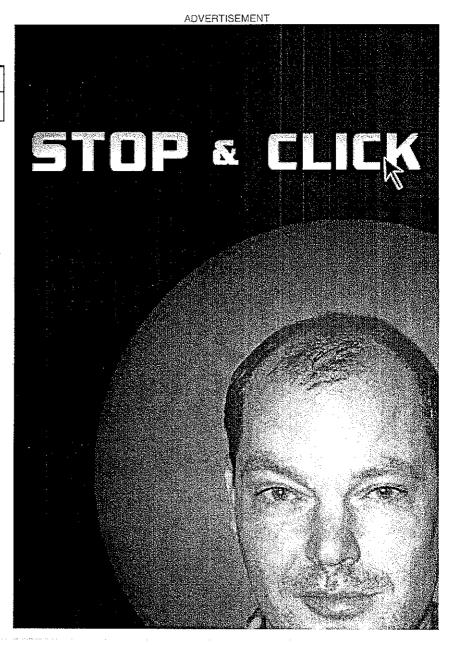
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- Access your email with one click from Yahoo! Companion Toolbar

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Search Mail

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Dear Mr. Perry,

This is in reference to: Amir Masoud ZARKESH, A072 310 741, 14575 Horseshoe Drive, Saratoga, CA 95070, (408) 867-0866. The case is pending an FBI background check. Please check on the status. Thank you.

Sincerely,

Michael G. Muston

YAHOO! Mail 🖾

Print - Close Window

From:

"Sanjose, Askcis " <Askcis.Sanjose@dhs.gov>

To:

""Michael Muston" " < michaelmuston@yahoo.com>

Subject: Re:N-400 Unit/Mr. Perry

Date:

Wed, 8 Sep 2004 12:35:00 -0400

Hello,

I have received your G-28. Case is still pending for background

Regards, T. Tsang

Reply Separator\_

N-400 Unit/Mr. Perry

Author: "Michael Muston" <SMTP:michaelmuston@yahoo.com>

Date:

8/31/2004 5:58 PM

Dear Mr. Perry,

This is in reference to: Amir Masoud ZARKESH, A072 310 741, 14575 Horseshoe Drive, Saratoga, CA 95070, (408) 867-0866. The case is pending an FBI background check. Please check on the status. Thank you.

Sincerely,

Michael G. Muston

Do you Yahoo!? Win 1 of 4,000 free domain names from Yahoo! Enter now <http://us.rd.yahoo.com/evt=26640/\*http://promotions.yahoo.com/goldrush> Case 5:07-cv-02459-PVT Document 1 Filed 05/08/2007 Page 22 of 28

MUSTON & JACK, LLP
1671 THE ALAMEDA, SUITE 210
SAN JOSE, CA 95126
TELEPHONE (408) 293-2026 FAX (408) 293-7617

FACSIMILE TRANSMITTAL SHEET				
TO: T. Tsang	FROM:			
COMPANY: San Jose USCIS	date: 1/3/2005			
FAX NUMBER: (408) 918-3901	TOTAL NO. OF PAGES INCLUDING COVER: 4			
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:			
re: YOUR REFERENCE NUMBER: Amir Masoud ZARKESH/A072 310 741				
☐ URGENT ☐ FOR REVIEW	.   Please comment please reply   Please recycle			
NOTES/COMMENT				

Per your request I am faxing a copy of the G-28 with the e-mail you sent to me on 12/30/2004, although you should already have my G-28 on file. I am also faxing a copy of the e-mail I received from you on 09/08/2004 stating that you had my G-28 on file. Please check on the status of my client's case. Thank you.

Michael G. Muston

VAHOO! MAIL

Print - Close Window

From:

"Sanjose, Askcis " <Askcis.Sanjose@dhs.gov>

To:

""Michael Muston" " <michaelmuston@yahoo.com>

Subject: Re: N-400 Unit

Date:

Thu, 30 Dec 2004 12:32:00 -0500

Hello,

Please fax a completed G-28 and a copy of this email to (408) 918-3901,

Attn: T.

Tsang and I will respond to your inquiry when I receive it.

Regards,

Tang

\_Reply Separator\_\_\_

N-400 Unit

Author: "Michael Muston" <SMTP:michaelmuston@yahoo.com>

Date:

12/29/2004 1:38 PM

Dear Sir/Madam,

This is in regards to: Amir Masoud ZARKESH, A072 310 741, 14575

Horseshoe

Drive, Saratoga, CA 95070, (408) 867-0866. Please check on the pending

FBI

name

check. Thank you.

Michael G. Muston

Do you Yahoo!?

Read only the mail you want - Yahoo! Mail SpamGuard

<http://us.rd.yahoo.com/mail\_us/taglines/spamguard/\*http://promotions.yahoo.</pre>

com/

new\_mail/static/protection.html> .

U.S. Department of Justice Immigration and Naturalization Service **Notice of Entry of Appearance** as Attorney or Representative

Appearances - An appearance shall be filed on this form by the attorney or representative appearing in each case. Thereafter, substitution may be permitted upon the written withdrawal of the attorney or representative of record or upon notification of the new attorney or representative. When an appearance is made by a person acting in a representative capacity, his personal appearance or signature shall constitute a representation that under the provisions of this chapter he is authorized and qualified to represent. Further proof of authority to act in a representative capacity may be required. Availability of Records - During the time a case is pending, and except as otherwise provided in 8 CFR 103.2(b), a party to a proceeding or his attorney or representative shall be permitted to examine the record of proceeding in a Service office. He may, in conformity with 8 CFR 103.10, obtain copies of Service records or information therefrom and copies of documents or transcripts of evidence furnished by him. Upon request, he/she may, in addition, be loaned a copy of the testimony and exhibits contained in the record of proceeding upon giving his/her receipt for such copies and pledging that it will be surrendered upon final disposition of the case or upon demand. If extra copies of exhibits do not exist, they shall not be furnished free on loan; however, they shall be made available for copying or purchase of copies as provided in 8 CFR 103.10. Date: 09/01/2004 In re: Amir Masoud ZARKESH File No. 072 310 741 I hereby enter my appearance as attorney for (or representative of), and at the request of the following named person(s): Name: Amir Masoud ZARKESH Petitioner X Applicant Beneficiary (Number & Street) 14575 Horseshoe Drive Address: (Apt. No.) (City) (State) (Zip Code) Saratoga 95070 . Name: Petitioner Applicant Beneficiary Address: (Apt. No.) (Number & Street) (Zip Code) (City) (State) Check Applicable Item (s) below: X 1. I am an attorney and a member in good standing of the bar of the Supreme Court of the United States or of the highest court of the following State, territory, insular possession, or District of Columbia Texas Supreme Court and am not under a court or administrative agency order suspending, enjoining, restraining, disbarring, or otherwise restricting me in practicing law 2. I am an accredited representative of the following named religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board: 3. I am associated with the attorney of record previously filed a notice of appearance in this case and my appearance is at his request. (If you check this item, also check item 1 or 2 whichever is appropriate.) 4. Others (Explain Fully.) SIGNATURE COMPLETE ADDRESS Muston & Jack, LLP Michael Christ 1671 The Alameda, Suite 210, San Jose, CA 95126 NAME (Type or Print) TELEPHONE NUMBER Michael G Muston (408) 293-2026 FAX (408) 293-7617 PURSUANT TO THE PRIVACY CY ACT OF 1974, I HEREBY CONSENT TO THE DISCLOSURE TO THE FOLLOWING NAMED ATTORNEY OR REPRESENTATIVE OF ANY RECORD PERTAINING TO ME WHICH APPEARS IN ANY IMMIGRATION AND NATURALIZATION SERVICE SYSTEM OF RECORDS: Michael G Muston (Name of Attorney or Representative) THE ABOVE CONSENT TO DISCLOSURE IS IN CONNECTION WITH THE FOLLOWING MATTER: N-400 Name of Person Consenting Date Amir Masoud ZARKESH 09/01/2004 (NOTE: Execution of this box is required under the Privacy Act of 1974 where the person being represented is a citizen of the United States or an alien lawfully admitted for permanent residence.)



Click here to print this screen

Name:

Amir Masoud Zarkesh

Appointment Type:

**Information Question** 

Confirmation No.:

SNJ-05-1278

Authentication Code:

17a52

Appointment Date:

January 19, 2005

Appointment Time:

7:45 AM

Location:

1887 MONTEREY ROAD, San Jose, CA 95112; LOBBY

Please be on time. Failure to show up on time will result in the cancellation of your appointment. You will then need to reschedule your appointment. You will not be admitted more than 15 minutes before your scheduled appointment time.

- You must appear in person and bring photo identification along with this appointment letter.
- Acceptable forms of identification are any of the following: Government issued identification, passport, valid driver's license, I-94, Work Authorization Card, or Permanent Resident Card. (Green Card)
- In order to serve you more efficiently, we require you to bring all applicable immigration forms, letters, receipts, translations and originals of supporting documents.

This is your Confirmation Number:

If you wish to cancel this appointment, you will need the following Personal Identification Number:

04022

Thank you for using InfoPass
Return to USCIS On-Line

10 C ...... 027770

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#### Case 5:07-cv-02459-PVT

Document 1

Filed 05/08/2007 Pag e 26 of 28 Entry of Appearance

U.S. Department of Justice Immigration and Naturalization Service as Attorney or Representative

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YAHOO! MAIL

Print - Close Window

"Sanjose, Askcis " <Askcis.Sanjose@dhs.gov> From:

To: ""Michael Muston" " <michaelmuston@yahoo.com>

Subject: Re:N-400 Unit

Date: Tue, 1 Mar 2005 10:55:00 -0500

Hello,

I have received your G-28. Case is currently pending for background checks.

Regards, T. Tsang

\_Reply Separator\_

Subject: N-400 Unit

Author: "Michael Muston" <SMTP:michaelmuston@yahoo.com>

Date: 12/29/2004 1:38 PM

Dear Sir/Madam,

This is in regards to: Amir Masoud ZARKESH, A072 310 741, 14575

Horseshoe

Drive, Saratoga, CA 95070, (408) 867-0866. Please check on the pending

FBI

name

check. Thank you.

Michael G. Muston

Do you Yahoo!? Read only the mail you want - Yahoo! Mail SpamGuard <http://us.rd.yahoo.com/mail\_us/taglines/spamguard/\*http://promotions.yahoo.</pre> com/ new\_mail/static/protection.html> .

